



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Koji SUZUKI ✓

Group Art Unit: 2823

Application No.: 09/970,763 ✓

Examiner: B. Kebede

Filed: October 5, 2001 ✓

Docket No.: 110596

For: APPARATUS AND METHODS FOR PROCESSING SURFACE OF
SEMICONDUCTOR SUBSTRATE

#6
Election
J. McMiller
4/11/03

RESPONSE TO RESTRICTION REQUIREMENT

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

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In reply to the March 10, 2003 Restriction Requirement, Applicant provisionally elects Group II, claims 9-22, with traverse, as discussed below.

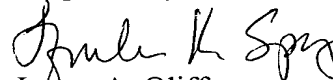
Applicant respectfully submits that the Restriction Requirement is improper. Each of the elements of the method claim 10, operates an element of the apparatus of claim 1. For example, in claim 10, "holding a substrate" operates "a substrate holder;" "generating a plasma" operates "a plasma source;" "applying a bias voltage" operates "a bias source;" and "monitoring the bias voltage" operates "a controller that produces a control signal by monitoring the bias voltage." Therefore, the method claims merely recite the operation of the apparatus of claim 1. Any other method which also operated the apparatus of claim 1, would fall within the scope of the method claim 10. Similarly, the apparatus claims recite a series of elements that are used to perform the method. Any similar apparatus which also performed the method, would fall within the scope of the apparatus claims.

Furthermore, the Applicant submits that even if the Restriction Requirement is proper (which it is not), the Restriction Requirement should have included claim 9 in both groups, because claim 9 is a linking claim, which recites a means-plus-function element corresponding to each of the steps recited in claim 10. Therefore, Applicant respectfully submits that claim 9 should be included with the method claims 10-22.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: April 10, 2003

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